

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

EDDIE WOULARD

PLAINTIFF

VS.

CIVIL ACTION NO. 5:08cv204-DCB-MTP

JACQUELINE BANKS

DEFENDANTS

ORDER

THIS MATTER is before the court on various motions filed by Plaintiff. Having considered the motions, the court hereby finds and orders as follows:

1. Plaintiff's Motion for Leave [40] is granted. Although it is somewhat hard to discern, it appears that Plaintiff is seeking an extension of thirty days to respond to the court's October 5, 2009 Omnibus Order [37] which directed him to produce to the court, by October 16, 2009, a copy of the letters he claims he attempted to mail on May 18, 2007, along with copies of the envelopes. Plaintiff shall have until November 16, 2009 to produce the aforementioned documents. Plaintiff is again warned that his failure to produce these documents by the deadline may result in dismissal of this case without further notice.

2. Plaintiff's Motion for Discovery [38] is denied. In his motion, Plaintiff seeks production of a number of documents, and he seeks to propound interrogatories as well.¹ At an omnibus hearing held on October 1, 2009, the court gave the parties an opportunity to make discovery requests² and, following that hearing, the court entered an Omnibus Order delineating the scope of discovery. The court explicitly stated: "The discovery matters set forth herein will

¹ Plaintiff also seeks certain individuals as witnesses. As this case has not yet been set for trial, such a request is clearly premature.

² Prior to the hearing, the court ordered the parties to be "prepared to discuss and identify any and all discovery requests or issues at the hearing." *See* [35].

fairly and adequately develop the issues to be presented to the Court, and no other discovery is deemed reasonable or appropriate considering the issues at stake in this litigation. *See* Fed. R. Civ. P. 26(b)(1).” Plaintiff has not explained why he failed to make these new discovery requests at the omnibus hearing. Nor has he established how the additional discovery he is seeking is necessary to advance his claims. Accordingly, the motion is denied.

SO ORDERED on this the 23rd day of October, 2009.

s/ Michael T. Parker

United States Magistrate Judge